

REMARKS

Claims 1 and 2 are currently pending. In section 3 of the Office Action, claim 1 stands rejected under 35 U.S.C. § 102(a) as being anticipated by JP Patent App. Pub. No. 2003-162065 (Komura). In section 5 of the Office Action, claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Komura in view of JP Patent App. Pub. No. S59-143324 (Ashida).

In accordance with 37 CFR 1.55(a)(4)(i)(B), Applicant supplies with this Response an English translation of JP Patent App. No. 2003-044556, the non-English foreign application which is the basis of rights for the instant national phase PCT application, together with a statement that the translation of the certified copy is accurate. This perfects the claim of priority for the instant application to February 21, 2003. See MPEP § 201.15.

As Komura, which serves as a basis for the rejections of both claims 1 and 2, only has a publication date and corresponding critical date of June 6, 2003 under 35 U.S.C. § 102(a), it is not valid prior art against the instant application, which, as noted above, claims priority to February 21, 2003. Further, the Office Action does not assert that Ashida, standing alone, anticipates or makes obvious either or both of claims 1 and 2. Thus, Applicants respectfully request withdrawal of all of the rejections against claims 1 and 2.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance, and respectfully requests the Examiner's favorable reconsideration as to allowance. The Examiner is invited to contact the Applicant's representative listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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